

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

TUESDAY, THE 6TH NOVEMBER 2007 / 15TH KARTHIKA 1929

MFA.No. 179 of 2002(D)

OPMV.118/1998 of MOTOR ACCIDENT CLAIMS TRIBUNAL, VADAKARA
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APPELLANT: PETITIONER

SHIBU T.K. S/O.RAMUNNI MARAR,
MEETHALE NEELANCHERI HOUSE,MOOLAD P.O.,
NADUVANNURE (VIA),KOZHIKODE.

BY ADV. SRI.M.P.JAYARAJ
SRI.B.PARTHASARATHY

RESPONDENTS:

1. V.MOIDEEN,VAYALALI (HOUSE),CHENOLI POST,
PERAMBRA VIA.,KOZHIKODE.
2. EBRAHIM S/O.CHEKKOTTY,EACHIKKANDY HOUSE,
PERAMBRA,CHENOLI AMSOM
3. THE ORIENTAL INSURANCE COMPANY LTD.,
MAVOOR ROAD,CALICUT.

R1 & R2 BY ADV. SRI.SANTHARAM.P
R3 BY ADV.SRI.VPK.PANICKER

THIS MISC. FIRST APPEAL HAVING BEEN FINALLY HEARD
ON 06/11/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

K. PADMANABHAN NAIR ,J.

M.F.A.No.179 of 2002

Dated, this the 6th day of November, 2007

JUDGMENT

Heard. Admitted. Advocate Shri P.Santharam takes notice for respondents 1 and 2 and Advocate Shri V.P.K.Panicker takes notice for third respondent. Appeal itself is heard and disposed of as agreed to by both sides.

2. Appellant met with a road traffic accident on 25.6.1997. He lost one tooth. Two of his teeth were broken also. He filed Original Petition claiming compensation impleading the owner, driver and insurer of the offending vehicle. Respondents 1 and 2 filed written statement admitting the accident. It was contended that vehicle was covered with valid insurance policy. Third respondent insurer filed written statement admitting insurance coverage of the vehicle. It was contended that there was no negligence on the part of the driver and the compensation claimed was exorbitant. Tribunal found that the accident occurred due to the negligence of the driver and appellant is entitled to get compensation. But he was awarded only Rs.5,000/-. Tribunal awarded Rs.3,500/- towards pain and suffering. No compensation was seen awarded for loss of tooth and also for broken teeth. Considering all the aspects of the matter I am of the view that the appellant is entitled to get at least Rs.5,000/- more as additional compensation.

In the result, appeal is allowed in part. An award is passed in favour of the appellant authorising him to recover an amount of Rs.5,000/- more as additional

MFA No.179/2002

-: 2 :-

compensation with 6% interest per annum from the date of petition till the date of realisation. Insurer shall deposit the additional compensation also. On deposit the appellant can withdraw the entire amount.

**K. PADMANABHAN NAIR,
JUDGE.**

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MFA No.179/2002

-: 3 :-

K.PADMANABHAN NAIR, J.

M.F.A.No.179 of 2002

JUDGMENT

6th November, 2007.